S.B. Civil Second Appeal No. 217/2004

Jagdish Singh
vs
Hanuman Ram @ Hanumana Ram & Ors.

DATE OF ORDER : - 22.8.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr. Ranjeet Joshi, for the appellant.

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Heard learned counsel for the appellant.

In a suit for permanent injunction, the trial court decreed the suit of the plaintiff-respondent restraining the appellant-defendant from encroaching upon the public way, which has been given out in sketch map Ex.2 as lane. The first appeal of the appellant against the judgment and decree of the trial court dated 28th March, 2001 was dismissed on 20th Nov., 2003.

It appears from the reasons given in the two judgments that both the courts below have carefully considered each fact of the case and reached to the conclusion that the land in question is land of a public way. There are concurrent finding of fact against the appellant and no substantial question of law is involved in this appeal.

Hence, the appeal of the appellant is dismissed.

(Prakash Tatia), J.

c.p.goyal/-